

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7081

BILL NUMBER: SB 482

DATE PREPARED: Feb 14, 2002

BILL AMENDED: Feb 14, 2002

SUBJECT: Child Solicitation.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(A) It provides that a person commits child solicitation if the person solicits an individual whom the person believes to be less than 14 years of age to engage in sexual acts. It provides that, in a prosecution for child solicitation, the state is not required to prove that the person solicited the child to perform an illicit act at some immediate time.

(B) It provides that a person commits public masturbation if the person touches or fondles himself in the presence of a child with the intent to arouse or satisfy the sexual desires of the child or person.

Effective Date: July 1, 2002.

Explanation of State Expenditures: Provision A: Under current law, child solicitation, a Class D felony, occurs when a person 18 years of age or older knowingly or intentionally solicits a child under 14 years of age. The bill would expand the definition to include a victim the offender believes to be a child under 14 years of age. There are no data to indicate how many more offenders may be convicted of child solicitation under the bill. According to information about the prison population from 1996 to 2001, there are on average five offenders serving a sentence in a Department of Correction (DOC) facility for child solicitation.

Provision B would add a new offense for public masturbation as a Class D felony as well.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.